

Court of Appeals, State of Michigan

ORDER

Tracy Leah Lakes v C&C Brothers

Docket No. 260062

LC No. 04-000662-NO

HILDA R. GAGE

Presiding Judge

MARK J. CAVANAGH

HENRY WILLIAM SAAD

Judges

In lieu of granting the delayed application for leave to appeal, the Court orders pursuant to MCR 7.205(D)(2) that the December 6, 2004 order granting defendant's motion to set aside the default is VACATED and the matter is REMANDED to the trial court to give defendant the opportunity to refile its motion to set aside the default supported by an affidavit of facts showing a meritorious defense as is required by the clear and unambiguous language of MCR 2.603(D)(1). See *CAM Construction v Lake Edgewood Condominium Ass'n*, 465 Mich 549, 554; 640 NW2d 256 (2002). The trial court's conclusion that defendant established good cause for setting aside the default as required by MCR 2.603(D)(1) is not erroneous.

We retain no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 4 2005

Date

Sandra Schultz Mengel
Chief Clerk